

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x

re:

Chapter 11

461 7TH AVENUE MARKET, INC.

Case No: 18-22671(RDD)

Debtor.

----- x

**ORDER AUTHORIZING RETENTION OF KURTZMAN MATERA, P.C.
AS COUNSEL FOR DEBTOR AND DEBTOR IN POSSESSION**

Upon the application, by notice of presentment dated May 7, 2018 (the "Application") of the debtor and debtor in possession herein

(the "Debtor"), for entry of an order, pursuant to §§ 327(a) and 1107(b) of Title 11 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq* ("Bankruptcy Code"), authorizing the Debtor to retain Kurtzman Matera, P.C. under a retainer as its counsel in this Chapter 11 case; and upon the accompanying affidavit of Rosemarie E. Matera, Esq. ("Affidavit") sworn to on May 7, 2018; and, after due and sufficient notice of the Application, there being no objections to the requested relief; and no additional notice or hearing being required; and it appearing that Kurtzman Matera, P.C. does not hold or represent an adverse interest to the Debtor or its estate, that it is disinterested under § 101(14) of the Bankruptcy Code, and that its retention is necessary and in the best interests of the estate, it is hereby

ORDERED, that the Application granted; and it is further

ORDERED, that in accordance with § 327(a) of the Bankruptcy Code, the Debtor, as debtor and debtor in possession, is authorized and empowered to retain Kurtzman Matera, P.C. as its counsel in this Chapter 11 case; and it is further

ORDERED, that Kurtzman Matera, P.C. shall be compensated for its services and

reimbursed reasonable and necessary expenses pursuant to §§ 330 and 331 of the Bankruptcy Code, as the case may be, and the applicable Bankruptcy Rules, Local Bankruptcy Rules, and fee and expense guidelines and orders of the Court; and it is further

ORDERED, that Kurtzman Matera, P.C. shall apply any remaining amounts of its prepetition retainer as a credit toward postpetition fees and expenses, after such postpetition fees and expenses are allowed pursuant to the first order of the Court awarding fees and expenses to Kurtzman Matera, P.C.

ORDERED, that at least ten business days before implementing any increase in Kurtzman Matera, P.C.'s rates, Kurtzman Matera, P.C. shall serve and file a supplemental affidavit with the Court (the "Supplemental Affidavit"). The Supplemental Affidavit shall explain the basis for the requested rate increase in accordance with § 330(a)(3)(F) of the Bankruptcy Code. All parties in interest, including the United States Trustee, retain all rights to object to or otherwise respond to any rate increase on any and all grounds, including, but not limited to, the reasonableness standard provided for in § 330 of the Bankruptcy Code.

Dated: White Plains, New York
May 29 2018

/s/Robert D. Drain
Honorable Robert D. Drain
United States Bankruptcy Judge